



Order Filed on August 2, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:

**RUDOLPH H. HENDEL and
CATHERINE G. LIN-HENDEL,
Debtors.**

Case No.: 21-18847

Chapter: 11

Judge: John K. Sherwood

**ORDER RE: MOTION TO DISQUALIFY
JUDGE SHERWOOD AND JUDGE ARLEO AND EXPUNGE ALL
PAST ORDERS AND DECISIONS MADE BY THEM**

The relief set forth on the following pages, numbered two (2) through four (4), is ORDERED.

DATED: August 2, 2022


Honorable John K. Sherwood
United States Bankruptcy Court

WHEREAS:

- A. On November 15, 2021, the *pro se* debtors, Rudolf H. Hendel and Catherine G. Lin-Hendel (the “Debtors”), filed for relief under Chapter 11 of the Bankruptcy Code [ECF No. 1].
- B. The Debtors own a single-family residence at 26 Ridge Road, Summit, New Jersey 07901 (the “Property”) [ECF 15].
- C. The Property is encumbered by: (i) a mortgage serviced by Fay Servicing for Wilmington Trust National Association, not in its individual capacity but solely as trustee for MFRA Trust 2014-2 (“Wilmington Trust”); and (ii) a mortgage serviced by Select Portfolio Services (“SPS”) for MEB Trust IV (“MEB”) [ECF No. 15 at 24].
- D. SPS/MEB and Wilmington Trust filed proofs of claim in the Debtors’ Bankruptcy Case [Claim 6-1 & Claim 10-1].
- E. On December 3, 2021, Wilmington Trust filed a Motion for In Rem Relief from the Automatic Stay with respect to the Property (“In Rem Motion”) [ECF No. 28].
- F. On April 6, 2022, the Debtors filed a motion seeking the court to order Wilmington Trust and SPS/MEB to issue honest and fair payoff quotes [ECF No. 52].
- G. On May 3, 2022, the Court held a hearing on the Debtors’ motion for honest and fair payoff quotes, confirmation, and the In Rem Motion. The Debtor’s motion was granted in part as set forth on the record. The other two matters were continued to June 14, 2022.
- H. On June 15, 2022, the Court entered an Order: (i) determining that Wilmington Trust is owed between \$1,559,989.01 and \$1,626,979.65 less certain credits for adequate protection payments; (ii) determining that MEB is owed \$537,512.21 less certain credits for adequate protection payments; and (iii) authorizing the Debtors to borrow \$2,165,491.86 from Advisors Mortgage Group, LLC to refinance their obligations to Wilmington Trust and MEB by a reverse mortgage transaction [ECF No. 77].
- I. On July 7, 2022, Debtors filed a motion for reconsideration of the Court’s Order dated June 15, 2022 (“Motion for Reconsideration”) [ECF No. 81].
- J. On July 19, 2022, the Court held a hearing on the Motion for Reconsideration, the In Rem Motion, and confirmation. The Court: (i) denied the Motion for Reconsideration, (ii) granted the In Rem Motion; and (iii) dismissed the bankruptcy case.
- K. On July 22, 2022, the Court entered an Order granting the In Rem Motion [ECF No. 85].

- L. On July 27, 2022, the Court entered an Order denying the Motion for Reconsideration [ECF No. 87] as well as an Order dismissing the Debtors' bankruptcy case [ECF No. 88].
- M. On July 26, 2022, the Debtors filed a Motion to Disqualify Judge Sherwood and Judge Arleo from cases involving the Hendels and to expunge all past orders and decisions made by the two judges (the "Disqualification Motion") [ECF No. 89].

IT IS ORDERED:

1. Based on the dismissal of the Debtors' bankruptcy case, the Court lacks jurisdiction to rule on the Disqualification Motion. Thus, the Disqualification Motion is DENIED.
2. To the extent the Debtors disagree with this Court's decisions, they can seek appellate review of the Court's Orders: (i) granting the In Rem Motion; (ii) denying the Motion for Reconsideration; and (iii) dismissing the Debtors' bankruptcy case. Pursuant to Rule 8002 of the Federal Rules of Bankruptcy Procedure, there is a fourteen-day period after the entry of an order to timely file a notice of appeal with the bankruptcy clerk.
3. The hearing scheduled by the Court on the Disqualification Motion on August 16, 2022 [ECF No. 90] is cancelled.

In re:
Rudolf H. Hendel
Catherine G. Lin-Hendel
Debtors

Case No. 21-18847-JKS
Chapter 11

District/off: 0312-2
Date Rcvd: Aug 02, 2022

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 04, 2022:

Recip ID	Recipient Name and Address
db/jdb	+ Rudolf H. Hendel, Catherine G. Lin-Hendel, 26 Ridge Rd, Summit, NJ 07901-2952

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 04, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 2, 2022 at the address(es) listed below:

Name	Email Address
Denise E. Carlon	on behalf of Creditor Bank of America N.A. dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com
Douglas J. McDonough	on behalf of Creditor MEB Loan Trust IV dmcdonough@flwlaw.com
Jonathan C. Schwab	on behalf of Creditor Fay Servicing LLC as servicer for Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2 bankruptcy@friedmanvartolo.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 4